

**Executive Summary – Enforcement Matter – Case No. 42138**  
**Robert Jarvis d/b/a Forestaire Estates**  
**RN104090998**  
**Docket No. 2011-1284-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Sralla MHP, located on the west side of Sralla Road approximately 1,750 feet north of the intersection of Farm-to-Market Road 1942 and Sralla Road, Harris County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** December 16, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,285

**Amount Deferred for Expedited Settlement:** \$1,857

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$218

**Total Due to General Revenue:** \$7,210

Payment Plan: 35 payments of \$206 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

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***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** May 25, 2011

**Date(s) of NOE(s):** July 21, 2011

***Violation Information***

1. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, floating solids and grease balls were being discharged over the clarifier weirs; the chlorine contact basin contained seven inches of sludge in a total water depth of nine feet and floating solids were noted in the chlorine contact basin [Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0014500001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5)].
2. Failed to submit complete and accurate sludge data. Specifically, the Respondent reported that sludge was disposed of by “other method” between August 2009 and July 2010, however, the sludge disposal records indicated that the sludge was disposed of by “land application” [TPDES Permit No. WQ0014500001, Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(11)(B) and (C)].
3. Failed to provide the required alarm system. Specifically, the on-site lift station did not have a functional audio/visual alarm [TPDES Permit No. WQ0014500001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 317.3(e)(5)].
4. Failed to comply with permitted effluent limits. Specifically, grab samples collected during the May 25, 2011 investigation indicated a chlorine residual of 0.0 milligrams per liter (“mg/L”) and total suspended solids of 146 mg/L. The permitted limits for minimum chlorine residual single grab samples and for total suspended solids are 1.0 mg/L and 60 mg/L, respectively [TPDES Permit No. WQ0014500001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].
5. Failed to maintain records and make them readily available for review upon request by a TCEQ representative. Specifically, the Quality Assurance/Quality Control records for the contract laboratory and for the chlorine meter were not available for review for the reporting period of April 2010 to April 2011 [TPDES Permit No. WQ0014500001, Monitoring and Reporting Requirements No. 3 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c)].
6. Failed to prevent an unauthorized discharge of sludge from the Facility into or adjacent to water in the state. Specifically, during the May 25, 2011 investigation, sludge was noted floating in the receiving stream up to 63 feet upstream and up to 136 feet downstream of the outfall [TPDES Permit No. WQ0014500001, Effluent Limitations

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and Monitoring Requirements No. 4 and Permit Conditions No. 2.d., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].

7. Failed to accurately complete and timely submit the monthly discharge monitoring reports (“DMRs”) by the 20th day of the following month. Specifically, the DMRs for the months of June 2010, July 2010, and January 2011 were submitted late and the maximum concentration for dissolved oxygen was incorrectly reported on the April 2011 DMR [TPDES Permit No. WQ0014500001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures at the Facility:

- a. By May 27, 2011, replaced a cracked fitting on an air line at the chlorine contact chamber and added chlorine tablets, and returned to compliance with total suspended solids and chlorine residual permitted limits based on the measures taken;
- b. By June 7, 2011, removed and properly disposed of all accumulations of sludge in the receiving stream;
- c. By June 15, 2011, replaced the alarm system at the on-site lift station;
- d. By July 6, 2011, submitted a revised 2010 sludge report to the TCEQ Compliance Monitoring Team; and
- e. By July 29, 2011:
  - i. Updated the Facility's operational guidance and conducted employee training to ensure that all reporting procedures are properly accomplished;
  - ii. Pumped the sludge in the chlorine contact basin into the digester and began maintaining sludge at the Facility at a minimum by pumping the sludge twice per week;
  - iii. Began maintaining all required records at the Facility; and
  - iv. Submitted revised monthly DMRs for the months of June 2010, July 2010, January 2011, and April 2011.

**Technical Requirements:**

N/A

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***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Jorge Ibarra, P.E., Enforcement Division,  
Enforcement Team 3, MC R-04, (817) 588-5890; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Robert Jarvis, Managing Partner, Forestaire Estates, 122 Maison Rue,  
Vicksburg, Mississippi 39180  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b> 25-Jul-2011	<b>PCW</b> 27-Jul-2011	<b>Screening</b> 25-Jul-2011	<b>EPA Due</b>
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## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Robert Jarvis d/b/a Forestaire Estates		
<b>Reg. Ent. Ref. No.</b>	RN104090998		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	42138	<b>No. of Violations</b>	7
<b>Docket No.</b>	2011-1284-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jorge Ibarra, P.E.
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$8,500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 30.0% Enhancement **Subtotals 2, 3, & 7** \$2,550

Notes

Enhancement for two NOV's with same/similar violations, five NOV's with dissimilar violations, and two months of self-reported effluent violations.

**Culpability** No 0.0% Enhancement **Subtotal 4** \$0

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$1,765

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts

\$24

Approx. Cost of Compliance

\$4,079

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$9,285

## OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$9,285

## STATUTORY LIMIT ADJUSTMENT

**Final Assessed Penalty** \$9,285

## DEFERRAL

20.0%

Reduction

Adjustment

-\$1,857

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

## PAYABLE PENALTY

\$7,428

Screening Date 25-Jul-2011

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PCW

Respondent Robert Jarvis d/b/a Forestaire Estates

Policy Revision 2 (September 2002)

Case ID No. 42138

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104090998

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	4	20%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for two NOVs with same/similar violations, five NOVs with dissimilar violations, and two months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 30%

Screening Date 25-Jul-2011

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PCW

Respondent Robert Jarvis d/b/a Forestaire Estates

Policy Revision 2 (September 2002)

Case ID No. 42138

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104090998

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number

1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014500001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(5)

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, floating solids and grease balls were being discharged over the clarifier weirs, the chlorine contact basin contained seven inches of sludge in a total water depth of nine feet and floating solids were noted in the chlorine contact basin.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to ensure that Facility components are properly operated and maintained could result in the release of significant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

65 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended, from the investigation date of May 25, 2011 to the screening date of July 25, 2011.

## Good Faith Efforts to Comply

10.0% Reduction

\$100

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent achieved compliance by July 29, 2011 for this violation.

Violation Subtotal \$900

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$1,200

This violation Final Assessed Penalty (adjusted for limits) \$1,200

# Economic Benefit Worksheet

**Respondent** Robert Jarvis d/b/a Forestaire Estates  
**Case ID No.** 42138  
**Reg. Ent. Reference No.** RN104090998  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	25-May-2011	29-Jul-2011	0.18	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to pump the sludge in the chlorine contact basin into the digester and begin maintaining sludge at the Facility at a minimum by pumping the sludge twice per week. Date required is the investigation date and final date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$9



Screening Date 25-Jul-2011

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PCW

Respondent Robert Jarvis d/b/a Forestaire Estates

Policy Revision 2 (September 2002)

Case ID No. 42138

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104090998

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s)

TPDES Permit No. WQ0014500001, Sludge Provisions and 30 Tex. Admin. Code § 305.125(11)(B) and (C)

Violation Description

Failed to submit complete and accurate sludge data. Specifically, the Respondent reported that sludge was disposed of by "other method" between August 2009 and July 2010, however, the sludge disposal records indicated that the sludge was disposed of by "land application".

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

More than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 1

331 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$25

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent achieved compliance by July 6, 2011 for this violation.

Violation Subtotal \$75

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

# Economic Benefit Worksheet

Respondent Robert Jarvis d/b/a Forestaire Estates  
 Case ID No. 42138  
 Reg. Ent. Reference No. RN104090998  
 Media Water Quality  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	1-Sep-2010	6-Jul-2011	0.84	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to accurately prepare and submit a revised sludge report (\$25 per sludge report). Date required is the date the report was due and final date is the date revised report was submitted.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

Screening Date 25-Jul-2011

Docket No. 2011-1284-MWD-E

PCW

Respondent Robert Jarvis d/b/a Forestaire Estates

Policy Revision 2 (September 2002)

Case ID No. 42138

PCW Revision October 30, 2005

Reg. Ent. Reference No. RN104090998

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s) TPDES Permit No. WQ0014500001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 317.3(e)(5)

Violation Description

Failed to provide the required alarm system. Specifically, the on-site lift station did not have a functional audio/visual alarm.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide the required alarm system could result in the release of significant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

21 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the May 25, 2011 investigation date to the June 15, 2011 compliance date.

## Good Faith Efforts to Comply

25.0% Reduction

\$250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent achieved compliance by June 15, 2011 for this violation.

Violation Subtotal \$750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

# Economic Benefit Worksheet

**Respondent** Robert Jarvis d/b/a Forestaire Estates  
**Case ID No.** 42138  
**Reg. Ent. Reference No.** RN104090998  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$466	25-May-2011	15-Jun-2011	0.06	\$1	n/a	\$1

Notes for DELAYED costs

Actual cost to replace the alarm system at the on-site lift station. Date required is the investigation date and final date is the date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$466

**TOTAL**

\$1

Screening Date 25-Jul-2011

Docket No. 2011-1284-MWD-E

PCW

Respondent Robert Jarvis d/b/a Forestaire Estates

Policy Revision 2 (September 2002)

Case ID No. 42138

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104090998

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 4

Rule Cite(s)

TPDES Permit No. WQ0014500001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)

Violation Description

Failed to comply with permitted effluent limits. Specifically, grab samples collected during the May 25, 2011 investigation indicated a chlorine residual of 0.0 milligrams per liter ("mg/L") and total suspended solids of 146 mg/L. The permitted limits for minimum chlorine residual single grab samples and for total suspended solids are 1.0 mg/L and 60 mg/L, respectively.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One monthly event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
		X	
	N/A		(mark with x)

Notes

The Respondent achieved compliance by May 27, 2011 for this violation.

Violation Subtotal \$1,875

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

# Economic Benefit Worksheet

**Respondent** Robert Jarvis d/b/a Forestaire Estates  
**Case ID No.** 42138  
**Reg. Ent. Reference No.** RN104090998  
**Media** Water Quality  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$38	25-May-2011	27-May-2011	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to replace a cracked fitting on an air line at the chlorine contact chamber and add chlorine tablets. Date required is the investigation date and final date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$38

TOTAL

\$0

Screening Date 25-Jul-2011

Docket No. 2011-1284-MWD-E

PCW

Respondent Robert Jarvis d/b/a Forestaire Estates

Policy Revision 2 (September 2002)

Case ID No. 42138

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104090998

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 5

Rule Cite(s)

TPDES Permit No. WQ0014500001, Monitoring and Reporting Requirements No. 3 and 30 Tex. Admin. Code §§ 305.125(1) and 319.7(c)

Violation Description

Failed to maintain records and make them readily available for review upon request by a TCEQ representative. Specifically, the Quality Assurance/Quality Control ("QA/QC") records for the contract laboratory and for the chlorine meter were not available for review for the reporting period of April 2010 to April 2011.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

484 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$100

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent achieved compliance by July 29, 2011 for this violation.

Violation Subtotal \$900

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,200

This violation Final Assessed Penalty (adjusted for limits) \$1,200

# Economic Benefit Worksheet

**Respondent** Robert Jarvis d/b/a Forestaire Estates  
**Case ID No.** 42138  
**Reg. Ent. Reference No.** RN104090998  
**Media** Water Quality  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$200	25-May-2011	29-Jul-2011	0.18	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement a record keeping system and begin maintaining records and make them readily available for review upon request by a TCEQ representative. Date required is the investigation date and final date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$2



Screening Date 25-Jul-2011

Docket No. 2011-1284-MWD-E

PCW

Respondent Robert Jarvis d/b/a Forestaire Estates

Policy Revision 2 (September 2002)

Case ID No. 42138

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104090998

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 6

Rule Cite(s)

TPDES Permit No. WQ0014500001, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d., 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)

Violation Description

Failed to prevent an unauthorized discharge of sludge from the Facility into or adjacent to water in the state. Specifically, during the May 25, 2011 investigation, sludge was noted floating in the receiving stream up to 63 feet upstream and up to 136 feet downstream of the outfall.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

13 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One monthly event is recommended from the investigation date of May 25, 2011 to the date cleanup was completed on June 7, 2011.

## Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent achieved compliance by June 7, 2011 for this violation.

Violation Subtotal \$1,875

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

# Economic Benefit Worksheet

**Respondent** Robert Jarvis d/b/a Forestaire Estates  
**Case ID No.** 42138  
**Reg. Ent. Reference No.** RN104090998  
**Media** Water Quality  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,000	25-May-2011	7-Jun-2011	0.04	\$4	n/a	\$4
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly remove and dispose of all accumulations of sludge in the receiving stream. Date required is the investigation date and final date is the cleanup was completed.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$4

Screening Date 25-Jul-2011

Docket No. 2011-1284-MWD-E

PCW

Respondent Robert Jarvis d/b/a Forestaire Estates

Policy Revision 2 (September 2002)

Case ID No. 42138

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104090998

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 7

Rule Cite(s)

TPDES Permit No. WQ0014500001, Monitoring and Reporting Requirements No. 1 and 30 Tex. Admin. Code §§ 305.125(1) and 319.7(d)

Violation Description

Failed to accurately complete and timely submit the monthly discharge monitoring reports ("DMRs") by the 20th day of the following month. Specifically, the DMRs for the months of June 2010, July 2010, and January 2011 were submitted late and the maximum concentration for dissolved oxygen was incorrectly reported on the April 2011 DMR.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

More than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

## Violation Events

	4	4	Number of violation days
mark only one with an x	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	X	

Violation Base Penalty \$400

Four single events are recommended, one for each report.

## Good Faith Efforts to Comply

10.0% Reduction

\$40

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

Notes

The Respondent achieved compliance by July 29, 2011 for this violation.

Violation Subtotal \$360

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$480

This violation Final Assessed Penalty (adjusted for limits) \$480

# Economic Benefit Worksheet

**Respondent** Robert Jarvis d/b/a Forestaire Estates  
**Case ID No.** 42138  
**Reg. Ent. Reference No.** RN104090998  
**Media** Water Quality  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	25-May-2011	29-Jul-2011	0.18	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	20-Jul-2010	29-Jul-2011	1.02	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to accurately complete and timely submit DMRs (\$25 per DMR) and to update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished. Dates required are the dates the first DMR was due and the date of the investigation, and final date is the compliance date.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$350

TOTAL

\$7

## Compliance History

Customer/Respondent/Owner-Operator:	CN603187402	Robert Javis d/b/a Forestaire Estates	Classification: AVERAGE	Rating: 0.93
Regulated Entity:	RN104090998	SRALLA MHP	Classification: AVERAGE	Site Rating: 0.83
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011925	
	WASTEWATER	PERMIT	WQ0014500001	
	WASTEWATER	EPA ID	TX0126381	
Location:	FACILITY IS LOCATED ON THE W SIDE OF SRALLA RD APPROX 1750 FT N OF THE INTERSECTION OF FM 1942 AND SRALLA RD IN HARRIS COUNTY			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	July 25, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 25, 2006 to July 25, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Jorge Ibarra, P.E.	Phone:	(817) 588-5890	

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Forestaire Estates
4. If Yes, who was/were the prior owner(s)/operator(s)? Jas M Properties - No. 3, L.L.C.
5. When did the change(s) in owner or operator occur? 12/08/2006
6. Rating Date: 9/1/2010 Repeat Violator: NO

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 

1	08/09/2006	(484005)
2	01/03/2007	(535133)
3	11/29/2007	(600258)
4	01/25/2008	(612366)
5	06/18/2008	(638851)
6	06/26/2008	(639760)
7	05/03/2008	(696749)
8	05/03/2008	(696750)
9	05/03/2008	(696751)
10	05/03/2008	(696752)
11	05/03/2008	(696753)

12	05/03/2008	(696754)
13	05/22/2008	(696755)
14	05/03/2008	(696756)
15	06/24/2008	(696757)
16	05/03/2008	(696758)
17	07/22/2008	(696759)
18	05/03/2008	(696760)
19	05/03/2008	(696761)
20	05/03/2008	(696762)
21	05/03/2008	(696763)
22	05/03/2008	(696764)
23	05/03/2008	(696765)
24	12/17/2008	(701506)
25	10/17/2008	(702622)
26	10/02/2008	(718472)
27	11/24/2008	(733707)
28	11/24/2008	(733708)
29	12/22/2008	(733709)
30	12/22/2008	(733710)
31	04/16/2009	(742538)
32	04/13/2009	(756857)
33	04/13/2009	(756858)
34	04/13/2009	(756859)
35	04/28/2009	(773697)
36	05/19/2009	(773698)
37	03/01/2010	(821458)
38	11/23/2009	(821459)
39	11/20/2009	(821460)
40	11/20/2009	(821461)
41	11/20/2009	(821462)
42	11/20/2009	(821463)
43	01/11/2010	(821464)
44	03/01/2010	(821465)
45	03/01/2010	(821466)
46	04/22/2010	(836803)
47	04/22/2010	(836804)
48	06/17/2010	(836805)
49	06/17/2010	(848080)
50	09/01/2010	(858302)
51	09/09/2010	(869143)
52	10/14/2010	(870484)
53	10/06/2010	(876008)
54	10/06/2010	(876009)
55	11/04/2010	(883592)
56	02/18/2011	(885860)
57	11/30/2010	(889969)
58	12/31/2010	(898387)

59	02/07/2011	(904225)
60	04/15/2011	(918383)
61	04/15/2011	(918384)
62	04/20/2011	(931327)
63	07/21/2011	(937428)
64	05/24/2011	(940118)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	08/09/2006	(484005)	CN603187402
Self Report?	NO		Classification: Moderate
Citation:	14500-001 PERMIT 30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.6(b)(3)		
Description:	Failure to properly operate and maintain the chlorine contact basin.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 317 317.7(f)		
Description:	Failure to provide a belt guard for one of the two blowers.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 317 317.7(e)		
Description:	Failure to install an intruder resistant fence around the wastewater treatment plant (WWTP).		
Self Report?	NO		Classification: Moderate
Citation:	14500-001 PERMIT 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to provide a staff gauge to measure the flow at the v-notch weir.		
Self Report?	NO		Classification: Moderate
Citation:	14500-001 PERMIT 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain compliance with the permitted effluent limits for total suspended solids (TSS) as reported on the discharge monitoring reports (DMRs).		
Self Report?	NO		Classification: Moderate
Citation:	14500-001 PERMIT 30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to provide calibration records for the chlorine meter, pH meter, and the D.O. meter.		
Self Report?	NO		Classification: Moderate
Citation:	14500-001 PERMIT 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to comply with Other Requirement No. 6 in TPDES Permit No. 14500-001 EPA ID No. TX0126381.		
Date:	01/31/2007	(696749)	CN603187402
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2007	(696756)	CN603187402
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/21/2007	(612366)	CN603187402
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(i)		
Description:	Failure to provide 1.0 GPM per connection well production.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)		
Description:	Failure to install all water system electrical wiring in compliance with local or national electrical code.		
Self Report?	NO		Classification: Minor

Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)		
Description:	Failure to protect the well unit with and intruder-resistant fence with locked gates.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)		
Description:	Failure to meet the pressure tank capacity of 50 gallons per connection.		
Date	06/17/2008 (638851)	CN603187402	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.128 MRR, No. 1, p. 4 PERMIT MRR, No. 10, p. 6 PERMIT Sludge Provisions, Section II (F), p. 22 PERMIT		
Description:	Failure to submit the annual FY 07 sludge report and the Discharge Monitoring Reports (DMRs) since permit activation.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements, No. 1, p. 9 PERMIT		
Description:	Failed to properly maintain the clarifier and the chlorine contact basin.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(g)(4)(B)		
Description:	Failure to provide at least two operational blowers.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter D 305.63 Permit Conditions, No. 4(c), p. 8 PERMIT		
Description:	Failure to submit the permit renewal application at least 180 days prior to expiration of the existing permit.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) MRR, No. 3(b), p. 5 PERMIT		
Description:	Failure to provide the operator logs.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) ELMR, No. 2 PERMIT		
Description:	Failure to maintain compliance with the permitted effluent limits for total chlorine residual.		
Date	06/25/2008 (639760)	CN603187402	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(i)		
Description:	Failure to provide 1.0 GPM per connection well production.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)		
Description:	Failure to meet the pressure tank capacity of 50 gallons per connection.		
Date	08/28/2008 (701506)	CN603187402	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(E)(i)		
Description:	Failure to provide 1.0 GPM per connection well production.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)		
Description:	Failure to meet the pressure tank capacity of 50 gallons per connection.		
Date	09/03/2010 (858302)	CN603187402	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.39(o)(1)		
Description:	Failure to submit an Emergency Preparedness Plan by the required deadline.		
Date	02/17/2011 (885860)	CN603187402	
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 290, SubChapter D 290.39(e)(1)(A)		



Description: Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as built" plans and specifications can be prepared and submitted for our review. The submittal must describe the existing facilities as well as any proposed modifications which are necessary to bring the regulated entity into compliance with our regulations.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ROBERT JARVIS D/B/A  
FORESTAIRES ESTATES  
RN104090998**

**§ BEFORE THE  
§  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2011-1284-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Robert Jarvis d/b/a Forestaire Estates ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located on the west side of Sralla Road approximately 1,750 feet north of the intersection of Farm-to-Market Road 1942 and Sralla Road in Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 26, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Two Hundred Eighty-Five Dollars (\$9,285) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Two Hundred Eighteen Dollars (\$218) of the administrative penalty and One Thousand Eight Hundred Fifty-Seven Dollars (\$1,857) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Seven Thousand Two Hundred Ten Dollars (\$7,210) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Six Dollars (\$206) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By May 27, 2011, replaced a cracked fitting on an air line at the chlorine contact chamber and added chlorine tablets, and returned to compliance with total suspended solids ("TSS") and chlorine residual permitted limits based on the measures taken;
  - b. By June 7, 2011, removed and properly disposed of all accumulations of sludge in the receiving stream;
  - c. By June 15, 2011, replaced the alarm system at the on-site lift station;
  - d. By July 6, 2011, submitted a revised 2010 sludge report to the TCEQ Compliance Monitoring Team; and
  - e. By July 29, 2011:
    - i. Updated the Facility's operational guidance and conducted employee training to ensure that all reporting procedures are properly accomplished;

- ii. Pumped the sludge in the chlorine contact basin into the digester and began maintaining sludge at the Facility at a minimum by pumping the sludge twice per week;
  - iii. Began maintaining all required records at the Facility; and
  - iv. Submitted revised monthly discharge monitoring reports ("DMRs") for the months of June 2010, July 2010, January 2011, and April 2011.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014500001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5), as documented during an investigation conducted on May 25, 2011. Specifically, floating solids and grease balls were being discharged over the clarifier weirs; the chlorine contact basin contained seven inches of sludge in a total water depth of nine feet and floating solids were noted in the chlorine contact basin.
2. Failed to submit complete and accurate sludge data, in violation of TPDES Permit No. WQ0014500001, Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(11)(B) and (C), as documented during an investigation conducted on May 25, 2011. Specifically, the Respondent reported that sludge was disposed of by "other method" between August 2009 and July 2010, however, the sludge disposal records indicated that the sludge was disposed of by "land application".
3. Failed to provide the required alarm system, in violation of TPDES Permit No. WQ0014500001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 317.3(e)(5), as documented during an investigation conducted on May 25, 2011. Specifically, the on-site lift station did not have a functional audio/visual alarm.
4. Failed to comply with permitted effluent limits, in violation of TPDES Permit No. WQ0014500001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, 30

TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on May 25, 2011. Specifically, grab samples collected during the May 25, 2011 investigation indicated a chlorine residual of 0.0 milligrams per liter ("mg/L") and total suspended solids of 146 mg/L. The permitted limits for minimum chlorine residual single grab samples and for total suspended solids are 1.0 mg/L and 60 mg/L, respectively.

5. Failed to maintain records and make them readily available for review upon request by a TCEQ representative, in violation of TPDES Permit No. WQ0014500001, Monitoring and Reporting Requirements No. 3 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(c), as documented during an investigation conducted on May 25, 2011. Specifically, the Quality Assurance/Quality Control records for the contract laboratory and for the chlorine meter were not available for review for the reporting period of April 2010 to April 2011.
6. Failed to prevent an unauthorized discharge of sludge from the Facility into or adjacent to water in the state, in violation of TPDES Permit No. WQ0014500001, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d., 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on May 25, 2011. Specifically, during the May 25, 2011 investigation, sludge was noted floating in the receiving stream up to 63 feet upstream and up to 136 feet downstream of the outfall.
7. Failed to accurately complete and timely submit the monthly DMRs by the 20th day of the following month, in violation of TPDES Permit No. WQ0014500001, Monitoring and Reporting Requirements No. 1 and 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(d), as documented during an investigation conducted on May 25, 2011. Specifically, the DMRs for the months of June 2010, July 2010, and January 2011 were submitted late and the maximum concentration for dissolved oxygen was incorrectly reported on the April 2011 DMR.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Robert Jarvis d/b/a Forestaire Estates, Docket No. 2011-1284-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

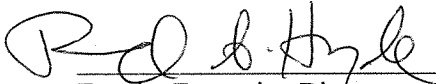
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

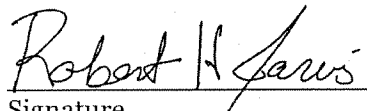
11/17/12  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

11/3/11  
\_\_\_\_\_  
Date

Robert H. Jarvis  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Robert Jarvis d/b/a Forestaire Estates

Managing Partner  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.